



DEPARTMENT OF THE NAVY

OFFICE OF THE SECRETARY  
WASHINGTON, D.C. 20350

SECNAVINST 5815.4

JAG 20

24 August 1993

SECNAV INSTRUCTION 5815.4

From: Secretary of the Navy

Subj: PROCEDURES FOR EXECUTIONS WITHIN THE DEPARTMENT OF THE  
NAVY

1. Purpose. To prescribe policies and procedures for carrying out a sentence to death imposed by a Department of the Navy court-martial or military tribunal and approved and ordered executed by the President.

2. Applicability. The Secretary of the Navy may designate a component of the Department of Defense outside of the Department of the Navy to carry out a sentence to death involving naval personnel. Consequently, this instruction is intended to apply only to those cases in which the Department of the Navy will be responsible for the conduct of the execution. Normally, prisoners confined at the U.S. Disciplinary Barracks will be executed by the Department of the Army in accordance with Army regulations. In such cases, the Department of the Navy will provide support as needed.

3. Responsibilities. A sentence to death may be approved and ordered executed only by the President. When the President approves a sentence to death and orders the sentence executed, specific responsibilities are as follows:

a. The Secretary of the Navy will:

(1) Prescribe the manner of execution. Executions within the Department of the Navy shall be by lethal injection. The Secretary may prescribe an alternative method of execution if, due to military exigency or other reason, sufficient technical assistance cannot be obtained to carry out an execution by lethal injection.

(2) Prescribe the date and location for the execution based on the recommendation of the Chief of Naval Personnel or the Commandant of the Marine Corps, as appropriate (see paragraph 3b(3)). The date of the execution shall be no earlier than 10 days after the sentence to death is approved and ordered executed by the President.



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(3) Inform the Chief of Naval Personnel or the Commandant of the Marine Corps, as appropriate, of the manner, date, and location for the execution.

b. The Chief of Naval Personnel or the Commandant of the Marine Corps, as appropriate, will:

(1) Establish policies and procedures, not inconsistent with this instruction or any provision of law, for carrying out a Presidential order to execute.

(2) Designate the command to be responsible for carrying out the execution.

(3) Under paragraph 3a(2), recommend to the Secretary of the Navy the date and location for the execution; recommend to the Secretary of the Navy an alternative method of execution if sufficient technical assistance cannot be obtained to carry out the execution by lethal injection.

(4) Notify the command responsible for carrying out the sentence to death of the manner, date, and location of the execution.

c. The Judge Advocate General will provide legal assistance and advice, as required, to the Secretary of the Navy.

d. The Chief, Office of Information or Director of Public Affairs (Marine Corps), as appropriate, will:

(1) Provide public affairs support concerning the execution.

(2) Coordinate and release information relative to the execution; may delegate authority for release of information to the public affairs officer of the command responsible for carrying out the execution.

e. The Chief, Bureau of Medicine and Surgery will designate an appropriate naval medical treatment facility, the commanding officer of which will:

(1) Ensure medical assistance, as required, is provided to the prisoner prior to the execution.

(2) Designate a medical officer to be present at the execution. The medical officer shall not participate in the execution, but will pronounce the prisoner dead when the

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execution has been accomplished and will furnish a report of death to the commanding officer of the command designated to carry out the execution.

f. The commanding officer of the command designated to carry out the execution will:

(1) Develop procedural guidelines, not inconsistent with this instruction or any provision of law, for carrying out the execution.

(2) Designate an officer to carry out the execution; the officer charged with carrying out the execution may select and train members of the command to perform the execution.

#### 4. Execution Order

a. Authority. Upon completion of all judicial review of the case, the sentence to death may be ordered executed only by the President.

b. Notification of Execution Order. Upon notification from the Chief of Naval Personnel or the Commandant of the Marine Corps, as appropriate, that the President has ordered the sentence to death executed, the commanding officer of the command designated to carry out the execution will cause notice of the Presidential decision to be served on the prisoner. During such notification, a member of the Chaplain Corps shall be present. The member's current legal counsel may also be present during such notification to advise the prisoner of any further legal action available to seek a stay of execution and to provide any other appropriate legal advice regarding the execution or other legal matters. Should counsel not be present, the commanding officer of the command designated to carry out the execution will cause notice of the Presidential decision to be served upon counsel.

#### 5. Procedures Prior to Execution

a. Custody. Prior to the execution, the prisoner shall be confined in an institution designated by the Chief of Naval Personnel or the Commandant of the Marine Corps, as appropriate, or his or her designee.

b. Monitoring of Prisoner. The officer designated to carry out the execution shall, upon notification of the Presidential order, establish a pre-execution monitoring system. A guard detail selected by the officer charged with carrying out the

execution, or his or her designee, will be responsible for continuous 24 hour observation, security, and supervision of the prisoner.

c. Notification to Next of Kin. The officer charged with carrying out the execution, or his or her designee, will notify the prisoner's next of kin of the Presidential order. The next of kin's wishes regarding the disposition of the remains following the execution shall be determined. If the prisoner's remains are not claimed by the next of kin, or if no next of kin can be identified, the remains shall be disposed of under applicable regulations.

6. Witnesses to the Execution. Only those staff members and witnesses designated in this regulation may be present during the execution and are as follows:

a. The officer charged with carrying out the execution, and such additional staff members (including the designated medical officer) as required by that officer.

b. An additional representative, or representatives, of the command designated to carry out the execution.

c. A representative, or representatives, of the commander of the installation or unit which serves as the location of the execution (if different from the command designated to carry out the execution).

d. The prisoner's current legal counsel, if any, if the prisoner so desires.

e. The prisoner's chaplain, if the prisoner so desires.

f. Such other persons whose attendance has been approved by the commanding officer of the command designated to carry out the execution or higher authority. In this regard, members of the prisoner's family or the press may request to be present.

7. Gift of Anatomical Organs. The officer charged with carrying out the execution shall ascertain whether the prisoner desires that his or her anatomical organs be donated following the execution. If such donation is desired, the officer charged with carrying out the execution shall so inform the prisoner's next of kin, legal counsel, or appropriate military authority as is

necessary to ensure the prisoner's wishes are observed insofar as possible; however, the requirements of paragraph 11b shall take precedence.

8. Special Communication. Not less than 30 minutes prior to the time designated for carrying out the execution, telephone communication will be established between the Office of the Secretary of the Navy and the officer charged with carrying out the execution, or his or her designee. Such telephone communication will be used, as necessary, to delay or cancel the execution proceedings. Two telephone lines will be established, and both lines shall be manned without interruption until the prisoner has been executed and pronounced dead. If, for any reason, either telephone line is interrupted during the 30 minute period preceding the execution, the 30 minute period shall be suspended and not resumed until both lines are reestablished.

9. Chaplain Services. The officer charged with carrying out the execution will ensure that a chaplain is made available to the prisoner and his or her family for pastoral care. If practicable, the chaplain should be a clergy of the prisoner's faith group and/or acceptable to the prisoner.

10. Execution Procedures

a. General. Manner, location, and date of execution shall be prescribed by the Secretary of the Navy (see paragraph 3a). Execution by lethal injection shall be at 0100 on the date designated by the Secretary. Time of execution for any other manner of execution will be determined by the Secretary or his or her designee. It is the responsibility of the officer designated to carry out the execution to ensure that all personnel selected to participate in the execution are properly trained to carry out the execution in a professional and dignified manner. No photographic or other visual or audio recording of the execution will be permitted.

b. Execution by Lethal Injection

(1) Execution by lethal injection will be implemented by a continuous intravenous administration of a lethal quantity of an ultra short-acting barbiturate combined with a paralytic agent. The officer charged with carrying out the execution is authorized to acquire a sufficient quantity of the chemical agents and is responsible for maintaining security of the chemicals until the execution.

(2) Prior to the execution, the prisoner shall be secured on a movable stretcher with arms, legs, and chest restrained. An individual who has been designated by the officer charged with carrying out the execution shall insert a large bore intravenous channel into an appropriate vein and insure flow until time of execution. The individual designated to perform this function need not be a medical professional; however, the individual should have sufficient training such that unnecessary pain is not inflicted upon the prisoner. After insertion of the intravenous channel, the prisoner shall be moved to the execution area.

(3) Within the execution area, the prisoner shall be positioned to enable viewing of the prisoner by the witnesses. The officer charged with carrying out the execution shall excuse those members of the guard detail whose presence is no longer necessary.

(4) The officer charged with carrying out the execution may designate an individual to administer the lethal agents. Such individual need not be a medical professional; however, the designated person should have sufficient training such that unnecessary pain is not inflicted upon the prisoner. The individual selected to administer the lethal agents will be concealed from the witnesses, but will be positioned so that the individual may observe the prisoner.

(5) The officer designated to carry out the execution will read aloud the findings and sentence of the court, as well as the execution order. The prisoner will be asked if he or she would like to make a statement. After such comments as the prisoner may choose to make, not to exceed 10 minutes duration, the officer designated to carry out the execution shall ask the prisoner if he or she desires his or her face to be covered, and will cover the prisoner's face if so requested. The lethal agents will then be administered and will continue by intravenous infusion until the prisoner has been pronounced dead by the medical officer in attendance.

(6) If considered necessary by the designated medical officer, cardiac monitoring electrodes will be placed on the prisoner's body prior to the administration of the lethal agents; these electrodes will extend by wire to a monitoring device located outside the execution room to enable the medical officer to monitor the prisoner's cardiac activity. When there are no further signs of life, based on visual observation and, if employed, by the cardiac monitoring device, the medical officer will enter the execution room, conduct an examination of the body and, if so warranted, pronounce the prisoner dead.

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(7) When the prisoner has been pronounced dead, all witnesses will leave the execution area except those personnel charged with removal of the prisoner's remains.

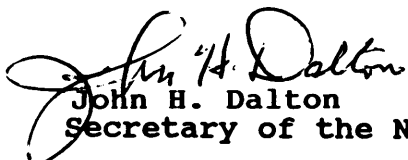
#### 11. Post-Execution Procedures

a. Report of Death. Following the execution, the designated medical officer will expeditiously complete a report of death which shall be forwarded to the commanding officer of the command designated to carry out the execution. The report shall contain a copy of the certificate of death as an enclosure.

b. Autopsy. The officer charged with carrying out the execution shall arrange for the body to be transported to the nearest military medical facility available to perform an autopsy. An autopsy will be performed expeditiously following the execution. However, in deference to the religious beliefs of the prisoner or the next of kin, a waiver of the autopsy requirement should be granted upon request unless there are compelling reasons necessitating that an autopsy be performed.

c. Disposition of Remains. The remains shall be disposed of under paragraph 5c of this instruction.

12. Reports. The reporting requirements contained in this instruction are exempt from reports controlled by SECNAVINST 5214.2B.

  
John H. Dalton  
Secretary of the Navy

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